REMARKS

Entry of the foregoing amendments and reconsideration of this application are respectfully requested in view of the following remarks.

Claim Objections

Claim 21 was objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 21 has been canceled. Accordingly, the Applicants submit that the objection under 37 CFR 1.75(c), should be withdrawn.

Claim Rejections

Claims 17 and 18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-4 and 19-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 97/27898 to Evard et al. ("Evard") in view of U.S. Patent No. 5,123,917 to Lee et al. ("Lee"). Claims 6 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Evard in view of Lee and further in view of U.S. Patent No. 5,246,445 to Yachia et al. ("Yachia"). Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Evard in view of Lee and further in view of U.S. Patent No. 5,645,559 to Hachtman et al. ("Hachtman"). Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Evard in view of Lee and further in view of U.S. Patent No. 6,019,779 to Thorud et al. ("Thorud").

35 U.S.C. 112 rejections

Claims 17 and 18 have been amended in order to comply with the requirements of 35 U.S.C. 112, second paragraph. Accordingly, the Applicants submit that the rejections under 35 U.S.C. 112, second paragraph, should be withdrawn.

Claims 1-4, 6-8, and 17-23 are allowable

Independent claim 1 as amended recites "[a] stent for use within a body lumen of a patient, comprising: a unitarily formed coil segment defining a lumen therethrough ... the coil segment comprising a wound element including a plurality of windings ... the spaced windings being separated by a distance of at least about 0.5 millimeters ...." The Applicants respectfully submit that the cited references (including Evard, Lee, Yachia, Hachtman and Thorud), alone or in proper combination, do not disclose or suggest a stent as recited by independent claim 1. Additionally, the Applicants respectfully submit that the Examiner improperly combined the cited references.

Specifically, Lee does not provide motivation to include a spacing of at least 0.5 millimeters between the windings of the device disclosed in Evard and the Examiner improperly used hindsight in combining Evard with Lee. The device disclosed in Lee is made of ring-like scaffold members. The ring-like scaffold members of Lee are not unitarily formed. Accordingly, the structure of the device disclosed in Lee is different than that of the device disclosed in Evard. It would not have been obvious to one of skill in the art to include the spacing of ring-like scaffold members of an intraluminal vascular graft configured to provide support to an existing body lumen with a wound coil for connecting a first anatomical lumen

with a second anatomical lumen. The spacing of individual rings does not render obvious the spacing of a unitarily formed coil.

Additionally, the Applicants respectfully disagree with the Examiner's contention that it is irrelevant that the device disclosed in Evard is configured to connect a first anatomical lumen with a second anatomical lumen. Different structural considerations must be accounted for when designing a device configured to connect a first anatomical lumen with a second anatomical lumen rather than a device configured to provide support to an existing body lumen. Accordingly, the Applicant respectfully submits that one of skill in the art would not look to the structure of a device for connecting two lumens when designing a device to maintain support for an existing lumen, and vise versa.

Further, the Applicants respectfully submit that the Examiner improperly combined Thorud with Evard and that including spaced windings on the distal or proximal ends of Evard would not have been obvious to one of skill in the art. Specifically, the device in Evard is configured to "engage ... openings in ... adjacent anatomical structures or blood vessels ... and ... urge or pull the opposite ends of the coil inwardly, thereby longitudinally compressing or constraining the tissues which are located between the opposite ends of the coil." (Evard, pg. 18, lines 28-36). In order to compress the tissues, the ends of the coil need to have sufficient strength which is provided by tightly wound end portions of the coil. Thus, if the device in Evard were modified to include the spacing of Thourd, the device in Evard would not function as intended. Therefore, it would not have been obvious to one of skill in the art to combine the spacing of Thourd with the device in Evard.

Additionally, the device in Thourd is configured to be placed in an existing bodily lumen. Evard, as discussed above, discloses a wound coil for connecting a first anatomical lumen with a second anatomical lumen by inserting the wound coil between the first and second anatomical lumens to create a third lumen. The Applicant respectfully submits that it would not have been obvious to one of skill in the art to combine the spacing of a device configured to be placed in a body lumen with a device configured to connect two lumens. Accordingly, the Applicants respectfully submit that independent claim 1, and its dependent claims, are patentable.

CONCLUSION

All of the stated grounds of rejection have been traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that such rejections be withdrawn. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Director is hereby authorized to charge any appropriate fees under 37 CFR §§ 1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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